

2

1 Law Offices of Farley & Kump, LLP
2 Kary Kump, Bar No. 103335
3 570 Poli Street
4 P.O. Box 2480
5 Ventura, CA 93002-2480
(805) 585-1831 phone
(805) 585-2220 fax

6 Attorney for Movant

7 UNITED STATES BANKRUPTCY COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 In Re:) CASE NO. 09-13866
10) CHAPTER 7
11 SHERIE E. LAVIN,) R.S. NO. KK-7508

12 Debtor.)

13 DEUTSCHE BANK NATIONAL TRUST) DECLARATION IN SUPPORT OF
14 COMPANY AS TRUSTEE FOR HARBORVIEW) MOTION FOR RELIEF FROM
15 2006-8, BY ONEWEST BANK, FSB, AS) AUTOMATIC STAY
16 ATTORNEY IN FACT,)

17 Movant)

18 Vs.) **HEARING DATE:**

19) DATE: 2/11/10

20) TIME: 9:00 AM

21) CTRM: COURTROOM

22 SHERIE E. LAVIN, and CHAPTER 7) 99 SOUTH "E" STREET
23 TRUSTEE, JEFFRY LOCKE) SANTA ROSA, CA

24 I, ERICA A. JOHNSON-SECK, declare:

25 1. I am a VICE PRESIDENT at DEUTSCHE BANK NATIONAL TRUST COMPANY
AS TRUSTEE FOR HARBORVIEW2006-8, BY ONEWEST BANK, FSB, AS ATTORNEY IN
FACT ("ONEWEST"), in the foregoing capacity I have personal knowledge
of the status and history of SHERIE E. LAVIN ("Debtor") loan account
XXXXXX7508, and if called upon to testify thereto I could and would do
so competently and truthfully.

26 2. In my capacity as VICE PRESIDENT, I have access to the
27 business records of ONEWEST as they relate to the Debtor. The records
28 of ONEWEST are made and kept in the ordinary course of business by

1 persons who have a business duty to make such records on behalf of
2 ONEWEST. The records are made at or near the time of the occurrence
3 of the event or events of which they are recorded. I have personally
4 reviewed the records of ONEWEST as they relate to the Debtor herein.
5 The records reflect the payments made by the Debtor, the payments
6 missed, and all charges accruing under the Debtor's loan. Therefore,
7 I am personally familiar with the status of the Debtor's loan.

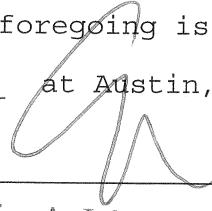
8 1. **The Secured Debt.** On or about 1/23/05, Debtor's Grantors
9 Anthony Quattrocchi and Alicia Quattrocchi made and delivered a
10 Promissory Note in the original principal amount of \$464,000.00,
11 secured by a First Deed of Trust on the Property commonly known as 329
12 WEST 8th STREET, SANTA ROSA, CA 95401 ("Property"). True and correct
13 copies of the Deed of Trust and Note are attached as Exhibits "1" and
14 "2" respectively. On 3/31/06, Movant's original borrowers Grant
15 Deeded 50% interest in the subject property to Debtor and her husband.
16 The Grant Deed is attached hereto as Exhibit "5".

17 3. **The Default Under The Note.** The Note and Deed of Trust are
18 contractually due for the 2/1/09 payment. As a result of the default,
19 a Notice of Default and Election To Sell was recorded against the
20 Property on 6/25/09. The Notice of Sale was published on 9/28/09, and
21 a foreclosure sale was scheduled for 10/19/09. The total delinquency
22 under the Note is set forth in detail in Exhibit "4" to the Motion.

23 4. **The Filing Of The Instant Petition.** On or about 11/17/09,
24 Debtor filed the instant Chapter 7 Petition.

25 I declare under penalty of perjury under the laws of the United
26 States of America that the foregoing is true and correct.

27 Executed Jan-12, 2010 at Austin, TX

28 
Erica A. Johnson-Seck, Vice President